

REMARKS

Status of the Claims

- Claims 1-2, and 4-5 are pending in the Application after entry of this amendment.
- Claims 1-5 are rejected by Examiner.
- Claims 1-2 and 4-5 are amended.
- Claim 3 is cancelled without prejudice or disclaimer.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0039357 A1 to Lipasti et al. (hereinafter Lipasti) in view of U.S. Patent No. 7,143,433 B2 to Cromer et al. (hereinafter Cromer). Applicant respectfully traverses the rejection via amendment.

Claim 1 is amended as to make clearer that the disassociation of the wireless terminal from the existing centralized network is initiated by the wireless terminal. Support for this amendment is found in the as-filed Specification for example at page 2, lines 1-2 (*“the terminal takes the initiative for the disassociation”*) or at page 3, lines 28-29 (*“the wireless terminal can then disassociate itself”*).

Claim 1 of the present invention recites, a method of creation of a new communication network by a wireless terminal, wherein the wireless terminal initially being part of an existing centralized network that includes an access point able to control the association of wireless terminals to its network, it includes, for the associated terminal, the steps of disassociation of the wireless terminal, initiated by said wireless terminal, from the existing centralized network; and initiation of a procedure for creating a new network, coexisting with the existing network, including a declaration of the terminal as access point of the new network, where the operating parameters of the new network are

such that communications on the new network do not interfere with the existing network.

Lipasti discusses a method for arranging addressing and routing in mobile ad hoc networks. The object of Lipasti is to provide address mapping and routing function for mobile networks to minimize broadcasts in mobile ad hoc networks. The network includes access points (AP) and mobile nodes (MN) forming a pico network to provide access to the LAN, where the device initiating the connection becomes the master device and all other devices of the pico network are then slaves of the master device and have to join the new pico network defined by the new master device. As acknowledged on page 3 of the present Office Action dated 4/14/2009, Lipasti does not specifically teach an access point controlling association of a wireless terminal to a network and disassociation of the wireless terminal from the existing centralized network. Thus, Lipasti does not discuss a disassociation initiated by the wireless terminal itself.

Cromer has been cited in the present Office Action to cure the deficiencies of Lipasti. However, Cromer also fails to teach or suggest the elements missing in Lipasti. Cromer is directed to a method for wireless data communication between a fixed access point (AP) connected to a LAN and a remote mobile wireless unit (MU), which is out of range of direct wireless communication with the AP. As disclosed at Cromer col. 2, lines 50-56 (*"The AP can also perform a disassociation service, eliminating its association with the MU when..."*) or at col. 19, lines 18-24 (*"the AP is part of an ESS ... to provide services including disassociating with an MU"*), the disassociation of the MU from a network, i.e. from an AP, is clearly initiated by the AP, contrary to what is recited in amended Claim 1. Amended Claim 1 recites that disassociation of the wireless terminal is initiated by the wireless terminal itself, whereas Cromer teaches that the AP performs the disassociation.

Thus, Cromer teaches away from the current invention by teaching that the AP performs the disassociation. Nowhere does Cromer teach or suggest that a MU, by itself, could initiate a disassociation from an AP.

It is therefore, respectfully submitted that Cromer fails to cure the deficiencies of Lipasti and that the cited combination of Lipasti and/or Cromer, taken singly or together, fails to disclose or suggest at least disassociation of the wireless terminal, initiated by said wireless terminal, from the existing centralized network. Thus, even if combined, the suggested combination fails to disclose or suggest each and every limitation of the pending claims. Pending Claim 4 is also amended with similar elements as Claim 1 and thus shares the same distinguishing aspects.

Thus, the combination of Lipasti and Cromer fails to render amended independent Claims 1 and 4 prima facie obvious under 35 USC §103 because the combination fails to disclose all elements of the pending claims and the combination teaches away from the present claims.

Thus, independent Claims 1 and 4 are patentably distinct over the cited art as are Claims 2 and 5 per MPEP §2143.03 which depend from amended Claims 1 and 4 respectively. Applicant respectfully requests reconsideration and withdrawal of the 35 USC §103(a) rejections on Claims 1-2 and 4-5 in light of the amendments and the arguments presented above.

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Conclusion

Applicant respectfully submits that the amended pending claims patentably define over the cited art and respectfully requests reconsideration, withdrawal of all rejections of the pending claims, continued examination, and reconsideration for a Notice of Allowance.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,
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